

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

July 7, 2003  
8:00 p.m.

Council Chambers  
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Degginger, and Councilmembers Creighton, Lee, Mosher and Noble

ABSENT: Councilmember Davidson

1. Call to Order

The meeting was called to order at 8:04 p.m. by Mayor Marshall, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers except Dr. Davidson were present. Mr. Noble led the flag salute.

(a) AWC Recognition of the City of Bellevue as a Diversity Champion

Mayor Marshall noted that Councilmember Mosher has served on the Association of Washington Cities' Board of Directors since 1998, including his current role as AWC President. She highlighted Mr. Mosher's leadership in establishing a joint city-county state legislative agenda and the Walk Across Washington wellness program. Mr. Mosher served as the lead elected official representing cities in the municipal B&O (business and occupations) tax study. Mrs. Marshall said AWC staff recently expressed appreciation for Mr. Mosher's ability to get things done and make things happen.

Mr. Mosher, AWC President, presented the Diversity Champion award to Bellevue at the recent AWC Conference. Parks and Community Services Director Patrick Foran said the award recognizes the City's activities over the past 10 years to support the needs of a diverse community including the Park Department's Cultural Diversity division, public safety programs, mini City Halls, and interpretive services.

(b) Proclaiming July as Parks and Recreation Month

Mayor Marshall read a proclamation recognizing July as Parks and Recreation Month in Bellevue.

(c) Introduction of Bellevue Sister Cities Association (BSCA) Exchange Students

Regan Sidie, BSCA Kladno Committee Chair, introduced Jenna Willis, a 16-year-old Issaquah High School student who will travel to Kladno this summer, and Jakub Eberle, a 17-year-old student currently visiting from Kladno. Ms. Willis expressed appreciation for this opportunity to visit the Czech Republic. Mr. Eberle said he is enjoying his stay in Bellevue.

Janis Kramens, BSCA Liepaja Committee Chair, introduced Rosi Fry, a junior at Issaquah High School, and Kristine Krasovska, a visiting student from Liepaja, Latvia. Ms. Krasovska, editor of her high school newsletter, said she is keeping a diary of her experiences here in Bellevue. Ms. Fry thanked Council for supporting the BSCA. She and her family have enjoyed showing Ms. Krasovska around Washington, and she looks forward to her trip to Latvia.

3. Communications: Written and Oral

- (a) Dr. Lawrence Sharp described the new Kelsey Creek Farm pig sty, built solely by volunteers and dedicated on June 26 with the assistance of Councilmember Lee. He noted the importance of the park as a learning facility and a place to relax.
- (b) Olemara Peters, a Redmond resident, commented on the siting of wireless communications facilities. She asked Council to establish incentives for the research and development of harmless biocompatible telecommunications technologies.

4. Reports of Community Councils, Boards and Commissions

Michelle Kline, Human Services Commission Chair, provided an update on the Commission's activities and responded to Council's request for information about English-as-a-Second-Language (ESL) programs. The Commission has reviewed preliminary data collected for the 2003-2004 Human Services Needs Update and held a public hearing on human services needs. Earlier this year, the Commission received an update on trends in refugee resettlement and held a panel discussion on the coordination of ESL programs. Ms. Kline noted Council's ongoing interest in ESL programs and immigration trends. She said local ESL programs work together to deliberately stagger their start dates so that students not accepted in one program can move to another program without missing any classes. Ms. Kline distributed a list of organizations offering ESL classes and a map depicting class locations and percentages of the population speaking a language other than English at home throughout Bellevue.

Ms. Kline reviewed trends in refugee resettlement, noting that the number of refugees entering the United States has decreased significantly in the past two years. Washington State is the fourth highest state for initial arrivals and the top state in the country in terms of the secondary migration of refugees. King County's Spanish-speaking population is growing, and Bellevue can

expect to continue to see an influx of Russians, Ukrainians, and Vietnamese as well. ESL providers note an increasing demand for intermediate and higher-level ESL classes.

Ms. Kline provided an update on Youth Eastside Services (YES) Refugee and Immigrant Program, which received funding in the 2003-2004 City budget. The program has served 191 Bellevue residents through May 2003. The majority of persons served, 72 percent, were Latinos.

5. Report of the City Manager

City Manager Steve Sarkozy asked staff to provide an update on the West Lake Hills Neighborhood Investment Strategy (NIS) program. Cheryl Kuhn, Neighborhood Outreach Manager, announced that the program has been recently recognized with two national awards, one for excellence in service delivery and the second for outstanding citizen participation. She invited Council and residents to attend the July 31 Community Festival, a NIS/ Bellevue 50Fest event, at Lake Hills Shopping Center (4:00 to 8:00 p.m.).

Mayor Marshall thanked Ms. Kuhn for her hard work and dedication.

David Berg, Transportation Assistant Director, reviewed key accomplishments covered in the Capital Investment Program Quarterly Update (for the quarter ending March 31). The Richards Road project is 95-percent complete and final paving is scheduled for the week of July 14.

Mr. Sarkozy provided an update on a tree cutting incident in June 2002 involving Kendall and Janice Kunz. A settlement has been reached imposing a \$150,000 fine against the homeowners as well as 32 hours of community service. Mr. Sarkozy read a letter of apology from Mr. and Mrs. Kunz and noted the City's commitment to protecting its public forests.

Mr. Sarkozy explained Police Chief Jim Montgomery's recent participation in a professional exchange program with England. Chief Montgomery expressed appreciation for this opportunity and noted discussions about innovative ways to address car crimes.

6. Council Business

[Council Business was discussed in the earlier Study Session.]

7. Approval of the Agenda

➡ Deputy Mayor Degginger moved to approve the agenda, and Mr. Noble seconded the motion.

➡ The motion to approve the agenda carried by a vote of 6-0.

8. Consent Calendar

Mayor Marshall requested pulling item 8(f) for Council comment, and Mr. Lee requested pulling item 8(l).

➤ Deputy Mayor Degginger moved to approve the Consent Calendar, as amended, and Mr. Noble seconded the motion.

➤ The motion to approve the Consent Calendar, as amended, carried by a vote of 6-0, and the following items were approved:

- (a) Minutes of June 9, 2003 Extended Study Session  
Minutes of June 10, 2003 Special Meeting  
Minutes of June 16, 2003 Study Session  
Minutes of June 16, 2003 Regular Session  
Minutes of June 23, 2003 Extended Study Session
- (b) Motion to approve payment of claims for the period ending June 25, 2003, and payroll for the period June 1 through June 15, 2003.
- (c) Resolution No. 6869 authorizing the City Manager to execute documents necessary to implement settlement of the *Dennis Earley v. City of Bellevue, et al* lawsuit, United States District Court No. 99-1592C.
- (d) Resolution No. 6870 authorizing the City Manager to execute a contract amendment for legal services provided by Keating Bucklin & McCormack, PS.
- (e) Resolution No. 6871 authorizing the City Manager to execute an agreement with Pierce County to participate as a member of the Washington State Urban Search and Rescue Task Force.
- (g) Ordinance No. 5452 amending the clearing and grading provisions of the Bellevue City Code, Chapter 23.76, to improve clarity, allow individual lot clearing within some plats, and to expand rainy season restrictions to additional areas of the city; amending Sections 3.43.335, 23.76.015, 23.76.025, 23.76.030, 23.76.040.B, 23.76.060.C, 23.76.070.B, 23.76.080, 23.76.085, 23.76.090, 23.76.093, 23.76.110.A and 23.76.175 of the Bellevue City Code; creating new Sections 23.76.032, 23.76.086 and 23.76.088 of the Bellevue City Code.  
*(Reviewed with Council on June 23, 2003.)*
- (h) Ordinance No. 5453 amending the Bellevue Land Use Code to include regulations for essential public facilities, including solid waste handling facilities; amending Sections 20.10.440, 20.20.520.F.2.b, 20.25H.080.B, 20.25L.020, and 20.50.018 of the Bellevue Land Use Code; and creating new Sections 20.20.350 and 20.20.820 in the Bellevue Land Use Code. *(Reviewed with Council on June 23, 2003. Council-approved amendments have been incorporated into the ordinance.)*
- (i) Ordinance No. 5456 authorizing the City Manager to enter into a three-party agreement with King County Department of Transportation and the Bellevue Downtown Association for various transportation demand management (TDM) activities in downtown Bellevue.

- (j) Motion to award Bid no. 0311, Odor Abatement Measures at Bagley Pump Station (CIP Plan No. S-16, Utility Capital Investment Program Fund 4690), to Gary Harper Construction, Inc. of Redmond, Washington, as low bidder in the amount of \$130,560.
- (k) Motion to award Bid No. 0332 for pavement restoration at various sites to Lakeridge Paving Co., LLC of Kent, Washington, as low bidder in the amount of \$246, 970. (CIP Plan Nos. W-16 and S-24, Utility Capital Investment Program Fund 4690)

Items for Council Discussion:

- (f) Resolution No. 6872 to formally accept the Mexican Government “Matricula Consular,” or Mexican Consulate identification card, as an accepted form of identification at City of Bellevue facilities and in applying for City Services.

Chief Montgomery explained that Resolution No. 6872 represents formal acceptance of the Mexican Consulate identification card as legal identification at City of Bellevue facilities and when applying for city services. He encouraged Council to approve the resolution.

Jorge Madrazo-Cuéllar, Consul of Mexico in Seattle, explained that holders of the Matricula Consular are Mexican nationals living in the U.S. Several Washington cities have recently approved resolutions to accept the identification including Seattle, Renton, and Yakima. Mr. Madrazo-Cuéllar said he and several of his staff members are Bellevue residents. He congratulated city officials for the AWC Diversity Champion award and thanked Council for its consideration of this request.

- ➡ Deputy Mayor Degginger moved to approve Resolution No. 6872, and Mr. Lee seconded the motion.
- ➡ The motion to approve Resolution No. 6872 carried by a vote of 6-0.
- (l) Ordinance No. 5454 to amend Ordinance No. 2920 to limit adjustments to water billings for water leakage to buried service lines, expand the policy to apply the adjustments to sewer bills which are based on water usage, and authorize the Utilities Director or his designee to develop and update procedures for adjustments to water and sewer billings for water leakage.

Councilmember Lee noted that Ordinance No. 5454 will result in cost savings of approximately \$60,000 per year and asked staff to comment.

Utilities Director Lloyd Warren explained that a review of business practices found the water leak adjustment policy to be outdated and inconsistent with practices in the region. Ordinance No. 5454 will clarify that appropriate adjustments are those related to the buried service line between the meter and a house only. Mr. Lee feels the policy will help encourage residents to take responsibility for water leaks on their property.

Mr. Noble noted that water leaks are generally the result of an accident beyond a resident's control. He understands the rationale for the ordinance but feels it is unfortunate that residents must pay for the lost water.

Mr. Mosher feels it is appropriate for private property owners to be responsible for water leaks on their property. Responding to Mr. Mosher, Mr. Warren said the provision is similar to policies in regional water districts and the Cities of Redmond and Seattle. The City of Renton does not allow leak adjustments for any reason.

☛ Mr. Lee moved to adopt Ordinance No. 5454, and Mr. Mosher seconded the motion.

☛ The motion to adopt Ordinance No. 5454 carried by a vote of 6-0.

9. Public Hearings: None.

10. Land Use

- (a) Ordinance No. 5455 approving a Conditional Use Permit, with conditions, on the application of T-Mobile (formerly VoiceStream) to replace an existing 68-foot transmission pole topped by three T-Mobile antennas collocated above existing AT&T antenna at the power substation near the corner of 156<sup>th</sup> Avenue SE and SE 16<sup>th</sup> Street. File No. 01-119261-LB. *(Council discussed this matter at the June 23 Extended Study Session.)*

Legal Planner Kate Berens explained that the conditional use permit application of T-Mobile is a Process III application in which the City Council takes action on a Hearing Examiner recommendation. On January 3, 2003, the Hearing Examiner recommended denial of the proposed conditional use permit, which resulted in an appeal to City Council. Before the appeal was heard by Council, a letter from the SEPA (State Environmental Policy Act) appellant requesting withdrawal of the appeal was received by the City. At the March 17 Council meeting for which the appeal was scheduled, Council voted to remand the matter to the Hearing Examiner for consideration of information contained in the appellant's withdrawal request. The Hearing Examiner conducted a remand hearing on May 14. On May 28, the Examiner issued a recommendation to approve the conditional use permit subject to specific conditions.

Responding to Deputy Mayor Degginger, Ms. Berens confirmed that the appeal was based partly on the issue of view obstruction. The appellant withdrew the appeal upon clarification of the facility's location. Ms. Berens said the City's criteria address detrimental impacts, which may include view impacts, to surrounding properties.

☛ Mr. Mosher moved to adopt Ordinance No. 5455, and Mr. Noble seconded the motion.

☛ The motion to adopt Ordinance No. 5455 carried by a vote of 6-0.

11. Other Ordinances, Resolutions and Motions

- (a) Resolution No. 6874 authorizing use of the alternative public works contracting procedure for the new City building redevelopment project and establishing the evaluation criteria to be used to select the General Contractor/Construction Manager (GC/CM).

Planning and Community Development Director Matt Terry explained that Resolution No. 6874 authorizes use of the General Contractor/Construction Manager (GC/CM) contracting method for redevelopment of the new City building located downtown and establishes evaluation criteria to be used to select the contractor/construction manager.

- ➡ Deputy Mayor Degginger moved to approve Resolution No. 6874, and Mr. Noble seconded the motion.

Mr. Lee endorsed the benefits of the GC/CM method including enhanced communication with project contractors early in the development process.

- ➡ The motion to approve Resolution No. 6874 carried by a vote of 6-0.

- (b) Motion to award Bid No. 0331, to construct sustainable building and landscape components to Lake Hills Ranger Station and Community Gardens, to Biwell Construction, Inc. as the lowest responsible bidder, in the amount of \$166,882.39. *(A state Department of Ecology grant will reimburse the City for 75 percent of the actual project cost, or \$125,161.80. The remaining 25 percent, or \$41,720.59, will be provided from the 2003-2009 Capital Investment Program, CIP Plan No. P-R-11, Renovation and Refurbishment of Park Facilities.)*

Mr. Foran recalled that bids received in April for this project all exceeded the project's budget. The project was rebid, with a reduced scope, and a Department of Ecology grant has been secured to cover 75 percent of the costs. Biwell Construction did not bid on the project in April.

Mr. Foran explained that Biwell Construction notified the City of an error in its bid after it was submitted, resulting in a revised contract amount of \$211,979.95. Staff reviewed the bid with Biwell Construction and concluded there is no clear or convincing evidence to demonstrate a mathematical mistake was made. Therefore staff recommends approval of the original bid in the amount of \$166,882.39.

Responding to Mayor Marshall, Mr. Foran said Mr. Biwell is willing to proceed with the project as outlined in the original bid.

- ➡ Deputy Mayor Degginger moved to award Bid No. 0331, and Mr. Lee seconded the motion.

- ➡ The motion to award Bid No. 0331 carried by a vote of 6-0.

12. Unfinished Business: None.

13. Continued Oral Communications: None.
14. New business: None.
15. Executive Session: None.
16. Adjournment

At 9:16 p.m., Mayor Marshall declared the meeting adjourned.

Myrna L. Basich  
City Clerk

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